
Costs Decision

Hearing Held on 16 October 2019

Site visit made on 16 October 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2020

Costs application in relation to Appeal Ref: APP/A3010/W/19/3223548 Land off Longholme Road, Retford

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by MLN (Land and Properties) Ltd for a full award of costs against Bassetlaw District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for a proposal described as *"outline planning application, with all matters reserved except for access, for up to 60 dwellings and other associated works"*.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant submits that the Council has acted unreasonably in that it has failed to produce evidence to substantiate its reasons for refusal, which were not supported by any objective analysis. Accordingly, it is asserted that the Council has prevented or delayed development which should clearly have been permitted.
4. The Council did not provide a written statement in support of its reasons for refusal, and its Officer Report was supportive of the development (and recommended approval). However, the Decision Notice provides a reasonable amount of detail and the Council's concerns regarding the development are unambiguous. Moreover, a number of detailed responses have been submitted by interested parties in support of the reasons for refusal. I therefore have a full case before me, which the appellant has had to address.
5. In addition, the width of Longholme Road leading up to the appeal site is below 5.5 metres, and the footway widths are below 2 metres, as stipulated in Nottinghamshire County Council's 6Cs Design Guide. Whilst I have found that this shortfall would not be unduly harmful in this case, it was not unreasonable for the Council to refuse permission on this basis. Moreover, the appeal site is outside of the Retford Development Boundary and is contrary to the development plan in this regard.

6. Whilst the Council withdrew its reason for refusal relating to flood risk shortly before the hearing, only a short section of the appellant's Appeal Statement is given over to addressing this matter. Furthermore, flood risk and drainage concerns had been raised by a number interested parties, and so the appellant would have had to address this in any case.
7. Separately, it is asserted that unnecessary expense arose in relation to the submission of an identical scheme at the site (Ref 19/01055/OUT), which was also refused by the Council. The appellant states this was intended to avoid the need to continue the appeal proceedings and attend the hearing. However, given that I have found that the Council did not act unreasonably in refusing the appeal proposal, it therefore did not act unreasonably in refusing a resubmission of an identical scheme.
8. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Thomas Hatfield

INSPECTOR